

REMARKS

Prior to entry of this paper, Claims 1-7, 9-32 and 34-45 were pending. Claims 1-7, 9-32 and 34-45 were rejected. In this paper, Claims 18-25 are amended. No Claims are cancelled or added. Claims 1-7, 9-32 and 34-45 are currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Claim Rejections under 35 U.S.C. §101

Claims 18-25 were rejected under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter. In response, the Applicants' representative has herein amended claims 18 to recite to a mobile device that performs actions. Support for the amendments may be found throughout the specification, including, for example, page 4 line 17 through page 6 line 12. Because a mobile device is statutory subject matter, these rejections are now moot, and should be withdrawn.

Claim Rejections under 35 U.S.C. §103

Claims 1, 3-4, 9-12, 14-15, 26-30, 32, 35-38 and 40-45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, and Buhle. Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, Buhle, and Bryson. Claims 5, 18, 20-22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, and Wilf. Claims 6-7, 16-17, 31 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, Buhle and Laraki. Claims 13 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, Buhle, and Kindberg. Claims 19 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura, Kou, Buhle, Wilf and Laraki. Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Aura in view of Kou, Buhle, Wilf and Kindberg.

Applicants respectfully submit that the rejections of the pending claims are improper because the combination of cited prior art references fails to teach or even suggest each of the claimed limitations. For example, claim 1 recites, in part:

receiving a request from the mobile device, and further receiving a gateway group identifier for a carrier gateway that is associated with the mobile device request

(Emphasis added). The failure of an asserted combination to teach or suggest each and every feature of a claim remains fatal to an obviousness rejection under 35 U.S.C. §103, despite any recent revisions to the Manual of Patent Examining Procedure (MPEP). Section 2143.03 of the MPEP requires the “consideration” of every claim feature in an obviousness determination. To render at least claim 1 unpatentable, however, the pending Office Action must do more than merely “consider” each and every feature for this claim. Instead, the asserted combination must also teach or suggest each and every claim feature. See *in re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)(emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claimed features must be taught or suggested by the prior art).

However, it is submitted that the cited references fail to even suggest receiving a gateway group identifier for a carrier gateway that is associated with the mobile device request. While the pending Office Action opines that Aura discloses such feature, the Applicants’ representative disagrees. What Aura instead appears to disclose is that base stations have different media types, and a mobile node may first be connected to a communications network through a wired connection to a base station (e.g., gateway server). See Aura, Col. 4 lines 34-37. Further, each base station acts as an intermediary and may be embodied by one or more general purpose or specialized computers and may include a media access point, a gateway router, services for authenticating access, and any other computer or service that makes the decision of allowing or denying access to the network. See Aura, Col. 4 lines 47-55. None of this discussion however makes any mention of a gateway group identifier for a carrier gateway.

Aura further discloses further that a base station or some other communicatively coupled system may access an authentication, authorization, and accounting foreign (AAAF) server to fully authenticate the user (e.g., through a login validation or an electronic or credit card payment). At an event 112, the base station establishes a credential key, such as a secret credential key Kcred, with the mobile node by sending a credential key to the mobile node. See Aura, Col. 5 lines 8-17. Aura also discloses that the credential informs other entities within the mobile access network that any

mobile node that knows the secret credential key K_{cred} or the secret part of the public key $P_{K_{cred}}$ should be trusted for credential authenticated access. See Aura, Col. 5 line 25 to Col. 6 line 13. Thus, while Aura mentions a credential key, such credential key does not appear to explicitly include any mention or suggestion of a gateway group identifier. Nor can it be argued that such credential key inherently suggests a gateway group identifier.

“To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999)(citations omitted)(Emphasis added). See also §MPEP 2163.07(a). If there are reasonable alternatives, then it cannot be argued that something necessarily is present. In this instance, Aura makes no mention of a gateway group identifier associated with the disclosed credential key. Such credential keys appear to represent, such as a secret credential key, created by executing a secret key-establishment protocol. See Aura, Col. 5 lines 10-17. Thus, such credential keys might be created merely from a random number without use of any gateway group identifier. As such, the secret credential key can not be argued to even represent a gateway group identifier – nor can it be argued that it includes a gateway group identifier. Thus, it cannot be said that such credential as disclosed by Aura is a gateway group identifier, that is received for a carrier gateway that is associated with the mobile device request, as is required for at least claim 1.

Further, there appears to be no mention of receiving a gateway group identifier within Buhle, as opined by the pending Office Action. While Buhle does mention a credential used by an application server to connect to a data server that comprises sufficient data to verify an identity, such suitable credentials as disclosed by Buhle, again fails to even suggest receiving a gateway group identifier. Moreover, Buhle appears to discuss such credentials within the context of an application server and/or data server, neither of which are carrier gateways as is further required by the pending claim 1. Nor does any mention about ServerN by Buhle even suggest such required carrier gateway, let alone a gateway group identifier for the carrier gateway. See Buhle, Col. 5 line

25 – Col 6, line 25; Col. 6 lines 61-67; and Col. 8 lines 20-52. Thus, for at least this additional reason, the combination of cited prior art references fails to teach or suggest each and every claimed feature of at least claim 1.

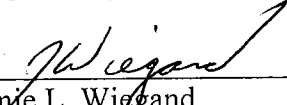
Moreover, independent claims 18, 26, 35, 41, and 45 include similar, albeit different, limitations as recited above for claim 1. Therefore, for at least the same reasons as claim 1, each of these independent claims are also not rendered obvious over the cited combination of references. Also, dependent claims 2-7, 9-17, 19-25, 27-32, 34, 36-40, and 42-45 are also not rendered obvious at least by virtue of their dependence on one of independent claims 1, 18, 26, 35, or 41. Thus, because the teachings of the references are not sufficient to render the pending claims *prima facie* obvious, the Applicants' representative respectfully requests that rejections of the pending claims under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

It is respectfully submitted that each of the presently pending claims is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

Dated: January 28, 2010

Respectfully submitted,

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